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EXAMINER
USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/902,185	ALSAFADI ET AL.
Office Action Summary	Examiner	Art Unit
	JOSEPH G. USTARIS	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 April 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-7,9,10 and 12-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3-7,9,10 and 12-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *15 March 2002* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March

18, 2008 has been entered.

Response to Arguments

2.   Applicant's arguments filed March 18, 2008 have been fully considered but they

are not persuasive.

    Applicant argues with respect to claims 1 and 16-19 that Humpleman does not

disclose wherein the reference information object model is generated utilizing an

iterative process in which an initial version of the model is generated using a first set of

data specifications, and at least on subsequent version of the model is generated from

the initial version using at least a second set of data specifications. However, reading

the claims in the broadest sense, Humpleman does meet that limitation in the claim.

Humpleman discloses wherein the reference information object model (e.g. HTML/XML

network program guide) is generated utilizing an iterative process (e.g. the HTML/XML

network program guide is updated periodically) in which an initial version of the model

(e.g. the first version of the HTML/XML network program guide) is generated using a

first set of data specifications (e.g. a first version of the original generic EPG), and at

least on subsequent version of the model is generated (e.g. an updated HTML/XML

network program guide) from the initial version using at least a second set of data

specifications (e.g. the newly updated original generic EPG) (See Humpleman col. 23

lines 7-11).

Applicant argues that the specifications remain the same. However, the examiner

disagrees. Humpleman discloses that the HTML/XML network program guide is

updated periodically based on the updated original generic EPG as discussed above.

Therefore, for example, the first version of the original generic EPG discloses programs

"a", "b", and "c" thereby generating an HTML/XML network program guide

showing/listing programs "a", "b", and "c". Then an updated original generic EPG now

discloses programs "a", "b", and "x" thereby generating a subsequent version of the

HTML/XML network program guide showing/listing programs "a", "b", and "x". Therefore,

each of the updated original generic EPGs (i.e. data specifications) causes the

generation of an updated HTML/XML network program guide to show the new/currently

available programs.

Applicant is reminded that although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4-7, 9, 10, 12-14, 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Humpleman et al. (US006243707B1) in view of Fontana et al.

(US006167564A) and Knowles et al. (US006505348B1).

Regarding claim 1, Humpleman et al. (Humpleman) discloses a method where a

home HTML/XML network program guide is produced from an original generic EPG or

other various sources or "content-related information" (See column 4 lines 16-33,

column 22 lines 57-60, and column 23 lines 18-29). The home HTML/XML network

program guide is built based on a standard program format incorporating HTML or XML

standards or "reference information model", where information from the original generic

EPG or other various sources is extracted and converted or "configuring" into the

HTML/XML standard program format. Thus the end result of the process is a

HTML/XML network program guide (See column 22 line 66 – column 23 line 5).

Furthermore, "reference information model defines a set of requirements" (e.g. the

HTML/XML network program guide requires the information to be EPG information and

to be in a standard program format) (See column 22 line 66 – column 23 line 5),

wherein "the set of requirements relating to at least one type of content" (e.g. the set of

requirements relates to available programs of the DBSS on the EPG) (See column 23

lines 5-17). When the "content-related information satisfies the set of requirements"

(e.g. when the original generic EPG or other various sources contain EPG information

and is in a standard program format) then it is configured into the HTML/XML network

program guide (See column 22 line 66 – column 23 line 17). Humpleman also discloses

that the reference information object model (e.g. HTML/XML network program guide) is

generated utilizing an iterative process (e.g. the HTML/XML network program guide is

updated periodically) in which an initial version of the model (e.g. the first version of the

HTML/XML network program guide) is generated using a first set of data specifications

(e.g. a first version of the original generic EPG), and at least on subsequent version of

the model is generated (e.g. an updated HTML/XML network program guide) from the

initial version using at least a second set of data specifications (e.g. the newly updated

original generic EPG) (See col. 23 lines 7-11). The devices on the network have a

session manager or "electronic program guide" program that is able to "process" the

HTML/XML network program guide and display it to the user (See Fig. 10,

programming; column 9 lines 35-52, column 17 lines 35-45, and column 18 lines 61-67).

The HTML/XML network program guide can be processed by a session manager on a

DTV or "electronic program guide of the first type" or by a session manager on a PC or

"second electronic program guide of a second type different than the first type" (See

column 6 lines 1-13 and column 23 lines 2-11). Furthermore, the HTML/XML network

program guide is "selectively extractable in accordance with the specified semantic and

syntactic consensus", wherein the electronic program guide selectively extracts only the

information that the user wants and displays the information following/agreeing with the

meaning and syntax of the HTML/XML codes (See column 22 lines 60-65 and column

23 lines 9-11). However, Humpleman does not disclose configuring the reference

information object model in accordance with a unified modeling language format and the

reference information object model comprising a plurality of directly or indirectly

interrelated classes having at least one specified property.

Humpleman discloses that the HTML/XML network program guide can be

developed using XML codes (See column 4 lines 16-33). Fontana et al. (Fontana)

discloses various development tools used to develop various interfaces. Fontana

utilizes the UML format when communicating/developing with client or "configuring in

accordance with a unified modeling language format" (See col. 6 line 53 - col. 7 line 5).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the

invention was made to modify the system disclosed by Humpleman to configure the

reference information object model in accordance with a unified modeling language

format, as taught by Fontana, in order to be able to easily exchange information

between devices thereby ensuring greater compatibility and offering the capability of

using object oriented programming (See col. 2 lines 50-58).

Knowles et al. (Knowles) discloses an interactive electronic program guide

system. Knowles discloses that the IPGs can be customized, wherein the format of the

IPG can be changed. The IPG contains information on pay-per-view (PPV) and different

Themes of programming or "plurality of directly or indirectly interrelated classes having

at least one specified property" (See Fig. 9). Therefore, it would have been obvious to

one with ordinary skill in the art at the time the invention was made to modify the system

disclosed by Humpleman to provide "plurality of directly or indirectly interrelated classes

having at least one specified property", as taught by Knowles, in order to expand the

capabilities of the HTML/XML network program guide by providing different types of

information to the users.

Regarding claim 4, the PPV and Theme gives a list of times or "attributes" for the

programs available (See Knowles Fig. 10 and column 5 lines 61-63).

Regarding claim 5, based on the guide customizations discussed in claims 1 and

4, the format of the IPG can provide additional information or "plurality of elements"

such as movies or "classes" and a list of episodes or "enumeration elements".

Furthermore, the list of episodes or "enumeration elements" is associated with the

movies or "classes", while the movies are also "associated" with other types of

programs such as sports or "plurality of classes" (See Knowles Fig. 9 and Fig. 10).

Claim 6 contains the limitations of claim 5 (wherein the movies provide different

programs or "program class element" or a list of movies or "remaining class elements",

(See Knowles Fig. 10)) and is analyzed as previously discussed with respect to that

claim.

Regarding claim 7, the IPG disclosed by Knowles further presents the Themes or

"classes" as objects that can be seen from a screen, wherein some of the objects are

listed or "oriented" in alphabetic order. Furthermore, the Themes or "classes" contain

additional information such as channel numbers or "attributes". The whole screen of the

IPG contains different information elements or "structures" that enable the user to

browse efficiently (See Knowles Fig. 10).

Regarding claim 9, the IPGs each could have their own configuration based on the guide customizations or "reference information model" thus producing different layouts or "schema" for each IPG (See Knowles column 7 lines 34-45), with the information being retrieved from the original generic EPG or "content-related information" as discussed in claim 1.

Claim 10 contains the limitations of claim 9 (wherein the IPGs or HTML/XML network program guides could have their own different layouts or "plurality of different schema" and be read or "processed" by the PC or DTV as discussed in claim 1) and is analyzed as previously discussed with respect to that claim.

Regarding claim 12, the HTML/XML network program guide is updated (thus producing a "subsequent version") based on the newly updated original generic EPG or "second set of data specifications", as discussed above in claim one. This process is an "iterative process" wherein the process, which performs the same steps each time to update the HTML network program guide, is repeated periodically (See Humpleman column 23 lines 7-11).

Regarding claim 13, the HTML/XML network program guide receives its information from a original generic EPG or "content-related information", where the original format of the original generic EPG is not complaint to the HTML standard program format or "reference information model", therefore the generic EPG is converted or "transformed" into a HTML standard program format (See Humpleman column 22 line 66 – column 23 line 5).

Regarding claim 14, the original generic EPG is dependent on the DBSS and will

inherently be read by the EPG program of the DSS-NIU or "electronic program guide of

a type not based on the reference information model". Alternatively, the original generic

EPG is converted into the HTML/XML standard program format or "second format" to

produce a HTML/XML network program guide to be read by the session managers or

"electronic program guide of the first type" on the network (See Humpleman Fig. 1;

column 22 line 66 – column 23 line 17).

Claim 19 contains the limitations of claim 1 (where inherently system is operated

by executing "one or more software programs stored on a computer-readable storage

medium") and is analyzed as previously discussed with respect to those claims.

5.   Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Humpleman et al. (US006243707B1) in view of Fontana et al. (US006167564A) and

Knowles et al. (US006505348B1) as applied to claims 1 and 13 above, and further in

view of Kido (US 20020073081A1).

Regarding claim 3, Humpleman in view of Fontana and Knowles does not

disclose a method where the generic EPG or "content-related information" is in an

extensible mark-up language (XML).

Kido discloses a method where an EPG is generated and distributed to the client

(See Fig. 8). The generated EPG or original generic EPG or "content-related

information" is produced using HTML or XML (See paragraph 0138). Therefore, it would

have been obvious to one with ordinary skill in the art at the time the invention was

made to modify the original generic EPG disclosed by Humpleman in view of Fontana

and Knowles to be in an extensible mark-up language, as taught by Kido, in order to be

able to easily exchange information between devices thereby ensuring greater

compatibility and offering the capability of using object oriented programming (See

Fontana col. 2 lines 50-58).

Regarding claim 15, the process of generating an EPG using XML, as taught by

Kido, may be also applied in the conversion or "transforming" step discussed in claim 13

in order to easily exchange information between devices thereby further ensuring

greater compatibility.

6.   Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Humpleman et al. (US006243707B1) in view of Fontana et al. and Kido (US

20020073081A1).

Regarding claim 16, Humpleman et al. (Humpleman) discloses a method where

a home HTML/XML network program guide is produced from an original generic EPG or

other various sources or "content-related information" (See column 4 lines 16-33,

column 22 lines 57-60, and column 23 lines 18-29). The home HTML/XML network

program guide is built based on a standard program format incorporating HTML or XML

standards or "reference information model", where information from the original generic

EPG or other various sources is extracted and converted or "configuring" into the

HTML/XML standard program format. Thus the end result of the process is a

HTML/XML network program guide (See column 22 line 66 – column 23 line 5).

Furthermore, "reference information model defines a set of requirements" (e.g. the

HTML/XML network program guide requires the information to be EPG information and

to be in a standard program format) (See column 22 line 66 – column 23 line 5),

wherein "the set of requirements relating to at least one type of content" (e.g. the set of

requirements relates to available programs of the DBSS on the EPG) (See column 23

lines 5-17). When the "content-related information satisfies the set of requirements"

(e.g. when the original generic EPG or other various sources contain EPG information

and is in a standard program format) then it is configured into the HTML/XML network

program guide (See column 22 line 66 – column 23 line 17). Humpleman also discloses

that the reference information object model (e.g. HTML/XML network program guide) is

generated utilizing an iterative process (e.g. the HTML/XML network program guide is

updated periodically) in which an initial version of the model (e.g. the first version of the

HTML/XML network program guide) is generated using a first set of data specifications

(e.g. a first version of the original generic EPG), and at least on subsequent version of

the model is generated (e.g. an updated HTML/XML network program guide) from the

initial version using at least a second set of data specifications (e.g. the newly updated

original generic EPG) (See col. 23 lines 7-11). The devices on the network have a

session manager or "electronic program guide" program that is able to "process" the

HTML/XML network program guide and display it to the user (See Fig. 10,

programming; column 9 lines 35-52, column 17 lines 35-45, and column 18 lines 61-67).

The HTML/XML network program guide can be processed by a session manager on a

DTV or "electronic program guide of the first type" or by a session manager on a PC or

"second electronic program guide of a second type different than the first type" (See column 6 lines 1-13 and column 23 lines 2-11). The HTML/XML network program guide is "selectively extractable in accordance with the specified semantic and syntactic consensus", wherein the electronic program guide selectively extracts only the information that the user wants and displays the information following/agreeing with the meaning and syntax of the HTML/XML codes (See column 22 lines 60-65 and column 23 lines 9-11). Furthermore, the home device or "processing device" produces a HTML/XML network program guide or "corresponding output" that is sent to a client, e.g. a PC or Digital Television (DTV) or "devices associated with respective electronic program and second electronic program guides" (See Humpleman Fig 1. element 102 and 104). However, Humpleman does not disclose configuring the reference information object model in accordance with a unified modeling language format and where the generic EPG or "content-related information" is in an extensible mark-up language (XML).

Humpleman discloses that the HTML/XML network program guide can be developed using XML codes (See column 4 lines 16-33). Fontana et al. (Fontana) discloses various development tools used to develop various interfaces. Fontana utilizes the UML format when communicating/developing with client or "configuring in accordance with a unified modeling language format" (See col. 6 line 53 - col. 7 line 5). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Humpleman to configure the reference information object model in accordance with a unified modeling language

format, as taught by Fontana, in order to be able to easily exchange information between devices thereby ensuring greater compatibility and offering the capability of using object oriented programming (See col. 2 lines 50-58).

Kido discloses a method where an EPG is generated and distributed to the client (See Fig. 8). The generated EPG or original generic EPG or "content-related information" is produced using HTML or XML (See paragraph 0138). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the original generic EPG disclosed by Humpleman in view of Fontana to be in an extensible mark-up language, as taught by Kido, in order to be able to easily exchange information between devices thereby ensuring greater compatibility and offering the capability of using object oriented programming (See Fontana col. 2 lines 50-58).

Claim 17 contains the limitations of claim 16 and is analyzed as previously discussed with respect to that claim. Furthermore, Humpleman discloses that the method discussed in claim 16 can be embodied as a satellite receiving terminal labeled as DSS-NIU or "processor apparatus" (See Humpleman Fig. 1 element 104). In addition, the DSS-NIU or home device can maintain its own respective program guide; therefore inherently the DSS-NIU or home device has a "memory" associated with it (See Humpleman column 23 lines 41-49).

Claim 18 contains the limitations of claim 16 and is analyzed as previously discussed with respect to that claim. Furthermore, Humpleman also discloses that the method discussed in claim 16 can be received or "implement" by a Digital TV, personal

computer (PC) or client or "processor apparatus" (See Humpleman Fig. 1 element 102;

column 23 lines 5-8). In addition, it is known that a PC inherently utilizes some type of

"memory".

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSEPH G. USTARIS whose telephone number is

(571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/
Primary Examiner, Art Unit 2623